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Substitute for form 1400 PTO

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Sheet	1	of	3
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Complete if Known

Application Number	09/970,389
Filing Date	October 2, 2001
First Named Inventor	Donald J. Merkley et al.
Art Unit	1731
Examiner Name	Mark Halpern
Attorney Docket Number	129843-1022

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

**Examiner
Signature**

M. Halper

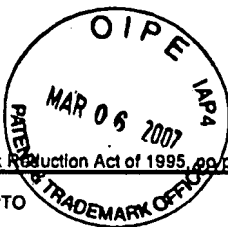
Date
Considered

8/22/07

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 608. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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PTO/SB/088 (07-06)

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

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Application Number	09/970,389
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First Named Inventor	Donald J. Merkley et al.
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Examiner Name	Mark Halpern
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Sheet 2 of 3

NON PATENT LITERATURE DOCUMENTS

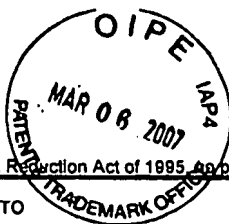
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
MH		Paper from Louisiana-Pacific Samoa, Inc. dated May 5, 1999	
MH		Affidavit of Bill Adams, representative of Weyerhaeuser, dated 10-17-1999 and accompanying documents	
MH		M.D. Campbell and R.S.P. Coutts, Wood Fibre-Reinforced Cement Composites, Journal of Materials Science, Vol. 15, pp. 1962-1970 (1980)	
MH		R.S.P. Coutts, From Forest to Factory to Fabrication, in Fibre Reinforced Cement and Concrete, ed. R.N. Swamy, E & FN SPON, London, pp. 31-47 (1992)	
MH		Webster's Third New International Dictionary of the English Language unabridged, ed. Merriam-Webster, Inc. Springfield (1986)	
MH		Notice of Opposition (filed by Saint Gobain) from the European Patent Office in Application 01977815.8-2124 and translation of Statement of Grounds, Applicant: James Hardie Int., Date: 02-01-2007	
MH		Notice of Opposition (filed by Redco) from the European Patent Office in Application 01977815.8-2124 and translation of Statement of Grounds, Applicant: James Hardie Int., Date: 12-28-2006	
MH		Observation filed by Third Party, Redco N.V., in EP No. 04700639.0-1218 dated 08/23/2006	
MH		Ekman, R., Studies on the Behavior of Extractives in Mechanical Pulp Suspensions; XP-002194276; (1990) JUNE 1990	
MH		Ekman, R., "Studies on the Behavior of Extractives in Mechanical Pulp Suspensions" Nordic Pulp and Paper Research Journal No. 2 (1990) pgs. 2-9 02-1990	

Examiner Signature	M. Halpern	Date Considered	8/22/07
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Sheet 3 of 3

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
MK		Parviz Soroushian, "Development of Specialty Cellulose Fibers and Cementitious Matrices for Cellulose Fiber Reinforced Cement Composites" (39 pp.) 11-1989	

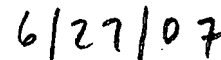
Examiner Signature	M. Halpern	Date Considered	8/22/07
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Substitute for 1449/PTO

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Sheet 1 of 2

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U. S. PATENT DOCUMENTS

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Substitute for 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> Sheet <u>2</u> of <u>2</u>	<i>Complete If Known</i>	
	Application Number	09/970,389
	Filing Date	October 2, 2001
	First Named Inventor	Donald J. Merkley
	Art Unit	1731
	Examiner Name	Mark Halpern
	Attorney Docket Number	129843.1022

[illegible]

Examiner Signature	M. Halper	Date Considered	8/15/07
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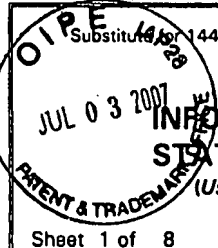
7/3/07

PTO/SB/08A (08-03)

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	Examiner Name	Mark Halpern
	Attorney Docket Number	129843.1022

U. S. PATENT DOCUMENTS					
Examiner Initial	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
MH		US 2,175,569	10/10/1939	Kennedy	
		US 2,176,668	10/17/1939	Egeberg et al.	
		US 3,748,100	7/24/1973	Forseth	
		US 3,753,749	8/21/1973	Nutt	
		US 3,843,380	10/22/1974	Beyn	
		US 3,865,779	2/11/1975	Oya et al.	
		US 3,918,981	11/11/1975	Long	
		US 3,931,069	1/6/1976	Lundin	
		US 3,998,944	12/21/1976	Long	
		US 4,003,752	1/18/1977	Isohata et al.	
		US 4,088,804	5/9/1978	Cornwell et al.	
		US 4,102,697	7/5/1978	Fukuba et al.	
		US 4,548,676	10/22/1985	Johnstone et al.	
		US 4,643,920	2/17/1987	McEntee et al.	
		US 4,647,509	3/3/1987	Wallace et al.	
		US 4,659,386	4/21/1987	Nagai et al.	
		US 4,738,723	4/19/1988	Frizzell et al.	
		US 4,938,958	7/3/1990	Niira, deceased et al.	
		US 5,049,196	9/17/1991	Ries	
		US 5,236,994	8/17/1993	Markusch et al.	
✓		US 5,346,541	9/13/1994	Goldman et al.	

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MH		US 5,403,392	4/4/1995	Craig	
		US 5,421,867	6/6/1996	Yeager et al.	
		US 5,432,215	7/11/1995	Girg et al.	
		US 5,472,486	12/5/1995	Dragner et al.	
		US 5,577,024	11/19/1996	Malkamaki et al.	
		US 5,786,282	7/28/1998	Carter et al.	
		US 5,871,824	2/16/1999	Bates	
		US 6,325,853	12/4/2001	Hogan et al.	
		US 6,344,654	2/5/2002	Lesko	
		US 6,346,146	2/12/2002	Duselis et al.	
		US 6,475,275	11/5/2002	Nebesnak et al.	
		US 6,506,248	1/14/2003	Duselis et al.	
		US 6,528,151	3/4/2003	Shah et al.	
		US 6,572,697	6/3/2003	Gleeson et al.	
		US 6,562,743	5/13/2003	Cook et al.	
		US 6,676,744	1/13/2004	Merkley et al.	
		US 6,676,745	1/13/2004	Merkley et al.	
		US 6,749,897	6/15/2004	Naji et al.	
		US 6,770,576	8/3/2004	Cook et al.	
		US 6,777,103	8/17/2004	Merkley et al.	
✓		US 6,837,452	1/4/2005	Dezutter et al.	

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		Number-Kind Code ² (if known)			
MH		US 6,893,751	5/17/2005	Naji et al.	
		US 6,933,038	8/23/2005	Nanko et al.	
		US 6,942,726	9/13/2005	Cook et al.	
		US 7,028,436	4/18/2006	Bezubic, Jr.	
		US 2002/0069791 A1	6/13/2002	Merkley et al.	
		US 2002/0007927 A1	1/24/2002	Vahatalo et al.	
		US 2002/0121229 A1	9/5/2002	Jardine et al.	
		US 2002/0170466 A1	11/21/2002	Naji et al.	
		US 2002/0170467 A1	11/21/2002	Naji et al.	
		US 2002/0170468 A1	11/21/2002	Luo et al.	
		US 2002/0175126 A1	11/28/2002	Naji et al.	
		US 2002/0179219 A1	12/5/2002	Naji et al.	
		US 2002/0189499 A1	12/19/2002	Naji et al.	
		US 2002/0189500 A1	12/19/2002	Naji et al.	
		US 2002/0192510 A1	12/19/2002	Naji et al.	
		US 2003/0000424 A1	1/2/2003	Naji et al.	
		US 2003/0164119 A1	9/4/2003	Naji et al.	
		US 2004/0043686 A1	3/4/2004	Batdorf	
		US 2004/0043217 A1	3/4/2004	Dezutter et al.	
		US 2004/0132843 A1	7/8/2004	Baumgart et al.	
✓		US 2004/0145078 A1	7/29/2004	Merkley et al.	

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MH		US 2004/0168615 A1	9/2/2004	Luo et al.	
		US 2005/0045067 A1	3/3/2005	Naji et al.	
		US 2005/0235883 A1	10/27/2005	Merkley et al.	
		US 2005/0016423 A1	1/27/2005	Merkley et al.	
		US 2005/0126430	6/16/2005	Lightner JR et al.	
		US 2005/0208287 A1	9/22/2005	Naji et al.	
		US 2007/0077436 A1	4/5/2007	Naji et al.	
		Pending U.S. Patent Application Ser. No. 10/070,218 entitled "Extrudable Cementitious Material" filed 7/19/2002; Inventor: Peter Goodwin (Attorney Docket No. 131279.1016)			

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION					
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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)			
MH		AT 391131 B	8/27/1990	Austria	NO
		CN 1224701 A	8/4/1999	China	w/translation
		EP 0147429 A1	7/1995	Europe	Yes
		EP 0263723 B1	2/27/1991	Europe	NA and (w/Abstract)
		EP 0287962	4/21/1987	Europe	NO
		EP 1106236 A1	6/13/2001	Europe	N/A
		EP 1346964 A2	9/24/2003	Europe	N/A
		FR 1557348	2/14/1969	France	Abstract only

Examiner Signature	<i>M. Halpern</i>	Date Considered	8/16/07
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 5 of 8

Complete If Known

Application Number	09/970,389
Filing Date	October 2, 2001
First Named Inventor	Donald J. Merkley
Art Unit	1731
Examiner Name	Mark Halpern
Attorney Docket Number	129843.1022

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

Examiner Initial	Cite No. ¹	Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ or Invention	Publication Date MM-DD-YYYY	Country or Patent Office	Translation Enclosed (YES / NO)	
MX		GB 22139	11/30/1901	Great Britain	N/A	
		GB 442098	2/3/1936	Great Britain	N/A	
		GB 449384	6/25/1936	Great Britain	N/A	
		GB 731597	6/8/1955	Great Britain	N/A	
		GB 2137977	10/17/1984	Great Britain	N/A	
		GB 1536663	12/20/1978	Great Britain	N/A	
		DE 19654836	6/25/1998	Germany	Abstract only	
		JP 5-177625 A2	7/1993	Japan	w/Abstract	
		JP 01141849	6/2/1989	Japan	Abstract only	
		JP 05184246	7/27/1993	Japan	Abstract only	
		JP 07041592	2/10/1995	Japan	Abstract only	
		JP 10095922	4/14/1998	Japan	Abstract only	
		JP 2003335560	11/25/2003	Japan	Abstract only	
		JP 08119708	5/14/1996	Japan	Abstract only	
		JP 2001316163	11/13/2001	Japan	w/Abstract	
		JP 03016978	1/24/1991	Japan	Abstract only	
		JP 04182335	6/29/1992	Japan	Abstract only	
		JP 55085756	6/28/1980	Japan	Abstract only	
		JP 61019900	1/28/1986	Japan	Abstract only	
		KR 1019950008587 B1	8/3/1995	Korea	Abstract only	
✓		SU 240472	3/21/1969	Soviet Union	Abstract only	

Examiner
Signature

M. Halpern

Date
Considered

8/16/07

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Substitute for 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> Sheet 6 of 8	Complete If Known	
	Application Number	09/970,389
	Filing Date	October 2, 2001
	First Named Inventor	Donald J. Merkley
	Art Unit	1731
	Examiner Name	Mark Halpern
	Attorney Docket Number	129843.1022

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION					
Examiner Initial	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Country or Patent Office	Translation Enclosed (YES / NO)
		Country Code ² Number ³ Kind Code ⁴ (if known)			
MH		WO 84/04765	12/1984	WIPO	N/A
		WO 97/31153 A1	8/28/1997	WIPO	N/A
		WO 00/71336 A1	11/2000	WIPO	N/A
		WO 02/012623 A1	2/14/2002	WIPO	N/A
		WO 02/33164 A2	4/25/2002	WIPO	N/A
		WO 2004/063113	7/29/2004	WIPO	N/A

Examiner Signature	M. Halpern	Date Considered	8/16/07
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	Filing Date	October 2, 2001
	First Named Inventor	Donald J. Merkley
	Art Unit	1731
	Examiner Name	Mark Halpern
	Attorney Docket Number	129843.1022

NON PATENT LITERATURE DOCUMENTS			T ¹
Examiner Initial*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	
MW		WOODS, Amy Lamb "Keeping a Lid on It: Asbestos-Cement Building Materials" August 2000 (12 pgs) internet article located at www.cr.nps.gov/hps/tps/recentpast/asbestosarticle.htm	
		Chapter 5 "Asbestos Cement Products" pages 25-40 (book unknown)	
		Chemical Abstracts on STN "Plasticizing Effect of Aliphatic Amines on Cements" Babachev et al, Build Sci Inst. Sofia Bulgaria; Epitoanyag (1972) 24(11), 430-5; Abstract only	
		Chemical Abstracts, vol. 94, no. 8, February 23, 1981; Columbus, Ohio; abstract no. 51915a, XP 000186251 "Building Materials With Improved Black Mold Resistance"	
		Hawley's Condensed Chemical Dictionary, Richard Lewis Sr., Twelfth Edition, 1993 Van Nostrand Reinhold, pg. 435; definition of "dispersing agent"	
		SHAPIRO, A.D. et al.; Bumazhnaya Promyshlennost 36, 12 (1961) XP-002335287 "Manufacture of Board Resistant to Biological Degradation"	
		Database WPI Section Ch, Week 198610 Derwent Publications Ltd., London, GB; Class C03, AN 1986-066741 (XP002335289)	
		XP002197953 & JP 2001240458A, Kamishima Kagaku Kogyo KK) Database WPI, Section Ch, Week 200212, Derwent Publications Ltd., London, GB; Class L02, AN 2002-085436, 4 Sept. 2001 abstract	
		Finnish Forest Industries Federal "Mechanical Pulp Production" internet article located at http://english.forestindustries.fi/products/pulp/mechanical.html dated 11/10/2004 (2pgs)	
		"Improvements in the Durability of Cellulose Reinforced Cementitious Composites," Lin et al. Mechanisms of Chemical Degradation of Cement based systems, Proceedings of the Materials Research Society's Symposium of Mechanisms, Boston, Nov. 27-30, 1995	
		Neithalath, Narayanan, et al "Acoustic Performance and Damping Behavior of Cellulose-Cement Composites, Cement & Concrete Composites 25 (2003) (pgs. 1-12)	
		Mai et al., "Effects of Water and Bleaching on the Mechanical Properties of Cellulose Fiber Cements" Journal of Materials Science 18 (1983) 2156-62	
		MAI et al., "Slow Crack Growth in Bleached Cellulose Fibre Cements" Journal of Materials Science Letters 3 (1984), 127-130	
✓		JUBOCID "Special Anti-Mildew Coatings" September 2002 (4 pgs) (Technical Sheet 10)	

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	First Named Inventor	Donald J. Merkley
	Art Unit	1731
	Examiner Name	Mark Halpern
	Attorney Docket Number	129843.1022

MH		Thai MDF Board Co., Ltd "Beger Synotex Acrylic TM 100% Emulsion Paint" (2 pgs) 2003 article located at: http://www.thaimdf.com/paint_roofpaint.htm	
↓		"Hardi-Plank and Surface Mold" article located at internet http://www.nefsi.org/wwwboard/messages/439.html (2 pgs) dated June 13, 2003.	
↓		FORCE 10 Caribbean "Custom Features" Engineered Building Systems (5 pgs) 1999 – article located at http://www.force-10.com/about/customfeatures.htm	
↓		Third Party Observation filed by Redco NV in the EPO application for .071VEP (129843.2354) filed on 8-23-06	

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